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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,865	07/10/2001	Ryan W. Bruce	RBRUCE-1X	1682

7590

04/10/2003

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/902,865

Applicant(s)
RYAN BRUCE

Examiner
YVONNE M. HORTON

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 13, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,205,719 to BRUCE in view of Design Patent #243,853 to EJCHORSZT and US Patent #5,862,637 to BRUCE. In particular regards to claims 1 and 6, BRUCE '719 discloses the use of a roof screen (100) including a plurality of frame members including front elements (104), bottom elements (106), and diagonal elements (108); a plurality of base supports (110, 112); sleeve connectors (114,116,118,120,124,200); panel supports (126,128); and panels (102). BRUCE '719 discloses the basic claimed roof screen except for the frame members being tubular shaped and made from galvanized steel and except for the frame members being configured as separate frames. DES #243,853 teaches that it is known in the art to form the frame members of a roof screen device out of tubular elements, and BRUCE '637 teaches that it is known in the art to form the frame (22) out of galvanized steel, column 2, lines 45-48. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the frame of BRUCE '719 out of tubular members, as taught by EJCHORSZT, and form the members from steel, as taught by BRUCE '637 in order to ensure that the frame is strong, lightweight and weather resistant. Regarding the frame members being formed into separate frames, although BRUCE '719 only shows the use of one frame, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure

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with additional frames since the mere duplication of essential parts of an invention involves only routine skill in the art. The use of additional frames would be beneficial in areas known for high winds or areas prone to extensive exposure destructive external forces, or in areas where an extremely heavy screen is desired. The use of additional frames members provides the structure with a sturdy yet proficient structure. In reference to claims 2 and 7, the sleeve connectors (114,116,118,120,124,200) of BRUCE '719 are knuckles (200) which telescope over the frame members (104,106,108). Regarding claims 3 and 8, the connectors (200) are formed from base connectors (208), end connectors (202) and field connectors (210). In reference to claims 4 and 9, the base supports (110,112) includes base plates (308) and flashing (400). Regarding claims 5 and 10, the base supports are "T-shaped" in that the vertical upright (306) and base (308) forms the "T-shape". In reference to claim 11, EJCHORSZT teaches the use of tubular frames. As noted above, it would have been obvious to one having ordinary skill in the art to modify BRUCE '719 with the tubular members of EJCHORSZT. Regarding claim 12, BRUCE '637 teaches the use of galvanized steel, column 5, line 3.

Response to Arguments

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

Yvonne M. Horton
Patent Examiner/Art Unit 3635
April 7, 2003

